



# UNITED STATES PATENT AND TRADEMARK OFFICE

*cln*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,369	04/08/2004	Kyoji Sekiguchi	1232-5368	7648
27123 7590 06/28/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER THOMAS, BRANDI N	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/820,369	Applicant(s) SEKIGUCHI, KYOJI	
	Examiner Brandi N. Thomas	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s)    is/are pending in the application.
- 4a) Of the above claim(s)    is/are withdrawn from consideration.
- 5) ☐ Claim(s)    is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,4,7 and 8 is/are objected to.
- 8) ☐ Claim(s)    are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No.   .
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>  </u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                           |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                      |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 12/16/04. An initialed copy is attached to this Office Action.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

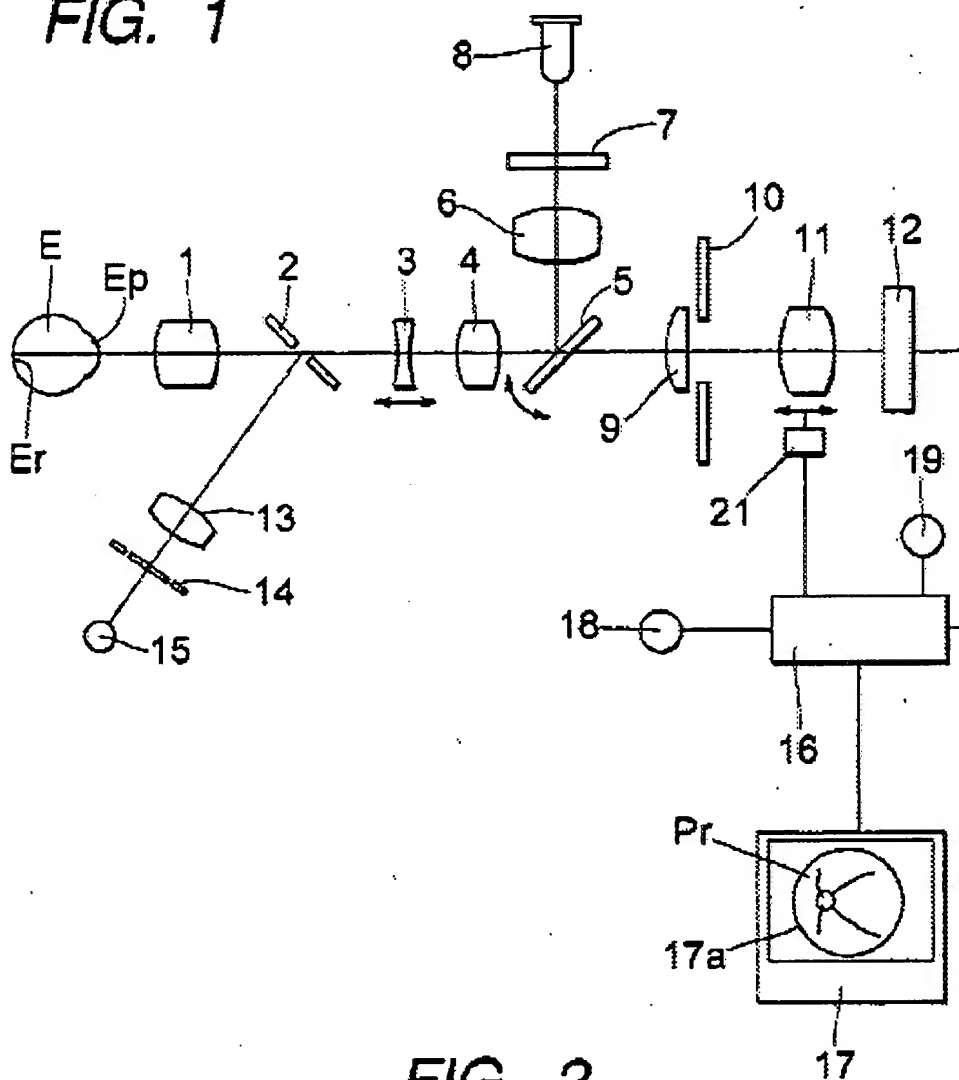
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takai (2004/0239877).

Regarding claims 1 and 10, Takai discloses, in figures 1 and 5, an ophthalmologic image processing apparatus (figure 1) that masks a fundus image (Pr) using an aperture mask image, comprising: input means (4) for inputting the fundus image (Pr) (section 0025); image generation means (9) for generating an aperture mask image in accordance with information of the fundus image (Pr) or inputting the aperture mask image (section 0025); image adjustment means (3) for adjusting a value of the fundus image (Pr) (section 0026); and synthesizing means

Art Unit: 2873

(19) for synthesizing the fundus image (Pr) whose value is adjusted with the aperture mask image (section 0026), wherein the image adjustment means (3) adjusts the value of the fundus image (Pr) based on coordinates in a boundary between a mask area of the aperture mask image and an area of the fundus image (Pr) (section 0026).

**FIG. 1****FIG. 2**

Regarding claim 2, Takai discloses, in figures 1 and 5, an ophthalmologic image processing apparatus (figure 1) that masks a fundus image (Pr) using an aperture mask image, wherein the image adjustment means (3) reduces a pixel value from the boundary between the

Art Unit: 2873

mask area of the aperture mask image and the region of the fundus image (Pr) to an outside of the mask area and increases the pixel value from the boundary to the inside of the mask area (section 0031).

Regarding claim 5, Takai discloses, in figures 1 and 5, an ophthalmologic image processing apparatus (figure 1) that masks a fundus image (Pr) using an aperture mask image, wherein the image generation means (9) comprises comparison means for comparing a size of the fundus image (Pr) with a size of the aperture mask image (section 0026), and the image generation means (9) adjusts the size of the aperture mask image in accordance with a comparison result of the comparison means (section 0027)

Regarding claim 6, Takai discloses, in figures 1 and 5, an ophthalmologic image processing apparatus (figure 1) that masks a fundus image (Pr) using an aperture mask image, wherein the image generation means (9) comprises selection means for selecting one of the aperture mask images in accordance with a size of the fundus image (Pr) (sections 0029 and 0030).

Regarding claim 6, Takai discloses, in figures 1 and 5, an ophthalmologic image processing apparatus (figure 1) that masks a fundus image (Pr) using an aperture mask image, wherein the image adjustment means (3) comprises moving means for moving a fundus area in the fundus image (Pr) whose value is adjusted to predetermined coordinates on the fundus image (Pr) (sections 0029 and 0030).

*Allowable Subject Matter*

5. Claims 3, 4, 7, and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 3, wherein the claimed invention comprises, in claim 3, wherein the image adjustment means comprises smoothing means for performing a low pass filtering process on the aperture mask image, and the image adjustment means adjusts the value of the fundus image in accordance with a pixel value of the aperture mask image on which the pass filtering process is performed; in claim 7, wherein a number of bits of a gray scale of the aperture mask image is different from a number of bits of one pixel for the fundus image, as claimed.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BNT

Brandi N Thomas  
Examiner  
Art Unit 2873



RICKY MACK  
SUPERVISORY PATENT EXAMINER